

CG
MG

71. (New) A polynucleotide according to claim 64, wherein the light chain CDRs and the heavy chain CDRs are contained in SEQ ID NO:2 and SEQ ID NO:4, respectively.

REMARKS

Amendments and status of claims

Applicants thank the Examiner for pointing out the apparent error in the amendment and response filed November 22, 1999 (paper no. 16), in which the term "(Amended)" was erroneously included after each of claims 16-18. Applicants did not intend to amend these claims, but merely reiterated them in the claim listing filed with the Amendment. Applicants apologize for any confusion caused by this error.

To avoid confusion, this Supplemental Amendment presents all the amendments which are desired to be entered as well as their support in the specification. For the Examiner's convenience, a set of pending claims after the amendments have been entered is attached. With respect to responding to the previous Office Action (dated May 17, 1999), the Examiner is requested to consider the arguments therein. Additional remarks are presented below.

With respect to the amendment to the specification Applicants are no longer claiming the benefit of U.S. Serial No. 08/575,762, filed December 20, 1995. As requested by the Examiner, (a) the title has been amended to be clearly indicative of the invention to which the claims are directed; and (b) the address of the ATCC on page 8, line 28 has been corrected; the blanks on page 1 (lines 6-8), page 8 (line 32) and page 46, (line 29) have been replaced with the appropriate serial numbers.

Applicants respectfully request that the Examiner remove objections to the specification.

With respect to the amendments to the claims, of originally submitted claims 1-58, claims 1-5, 20-37, 39-40, 42, 43, 46-56 are withdrawn from further consideration by the Examiner as being drawn to non-elected inventions. By this amendment, claim 13 is cancelled and new claims 59-71 have been added. Thus, claims 6-12, 14-19, 38, 41, 44-45, and 59-71 are under

examination. Support for the claim amendments is found in the specification at, inter alia, page 11, lines 14-18 and 24-35; page 32, lines 30-37; page 16, lines 17-22; page 17, lines 8-14; page 5, lines 20-25; page 30, lines 11-30; page 54, lines 5-9; page 15, line 5; page 43, lines 21-27; page 53, lines 25-31; page 47, lines 1-20; page 58, lines 10-13.

Applicants request rejoinder of presently excluded method claims, to the extent that they incorporate all the limitations of the product claims.

With respect to all amendments, Applicants have not dedicated or abandoned any unclaimed subject matter and moreover have not acquiesced to any rejections and/or objections made by the Patent Office. Applicants reserve the right to pursue prosecution of any presently excluded claim embodiments in future continuation and/or divisional applications.

Supplemental Information Disclosure Statement

Applicants are submitting herewith a supplemental information disclosure statement.

Rejections under 35 U.S.C. § 112, second paragraph

The Examiner is referred to paper no. 16 (Amendment and Response filed November 17, 1999).

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner is referred to paper no. 16 (Amendment and Response filed November 17, 1999).

Rejections under 35 U.S.C. § 102

The Examiner is referred to paper no. 16 (Amendment and Response filed November 17, 1999).

Provisional Statutory Double Patenting Rejection

The Examiner is referred to paper no. 16 (Amendment and Response filed November 17, 1999).

Publication policy

The following publication policy of the journal of *Cancer Research* has come to the attention of Applicants' representative:

"It is understood that by publishing any work in *Cancer Research* the authors agree to make freely available to other academic researchers any of the cells, clones of cells or DNA or antibodies, etc. that were used in the research reported and that are not available from commercial suppliers. Also, authors may be required to make primary data available to the Editor-in-Chief in cases of dispute."

CONCLUSION

Applicants believe they have addressed all issues raised by the Office and that the claims are in condition for allowance, which is respectfully requested. If the Examiner wishes to discuss this application or provide comments, she is invited to telephone Applicants' representative at the telephone number below.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 304142000322. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Dated: June 22, 2000

By: Catherine M. Polizzi
Catherine M. Polizzi
Registration No. 40,130

Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018
Telephone: (650) 813-5651
Facsimile: (650) 494-0792